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APPLICATION N	10.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,714		11/19/2003	Alan G. Ellman	PAT-132	6325
26267	7590	01/13/2005		EXAMINER	
JACK OISHER				ROLLINS, ROSILAND STACIE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 107/16,714	•	Application No.	Applicant(s)						
Rosland S Rollins 3733 3733 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Earth of the private of the private of the problems of 3 CTR 1.75(b). In no event, however, may a reply be timely filed Earth of the private of the private of the problems of 3 CTR 1.75(b). In no event, however, may a reply be timely filed Earth of the private of	Office Action Commence	10/716,714	ELLMAN ET AL.						
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of tem may be windle used the provision of 3 CPR 1.13(6). In an event, however, may a reply be timely field after SX (6) MONTHS from the mailing date of this communication. It NO protect for exply is explained based the provision of 3 CPR 1.13(6). In an event, however, may a reply be timely field after SX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or cefended period for reply will. by attacks, cause the application to become ARANDONED (35 U.S.C. § 133). Any reply received by the Office and transmission with the mailing date of this communication, even if timely field, may reduce any weared patient term adjustment. See 57 CFR 1.74(6). Status 1) Responsive to communication(s) filed on 26 October 2004. 2a) This action is FINAL. 2b) This action is FINAL. 2c) This action is FINAL. 2c) This action is FINAL. 2d) Claim(s) 1-14 is/are pending in the application. 4a) Claim(s) 1-14 is/are pending in the application. 4a) Claim(s) 9-13 is/are allowed. 6c) Claim(s) 9-13 is/are allowed. 6c) Claim(s) 9-13 is/are allowed. 6c) Claim(s) 1-8 and 14 is/are rejected. 7c) Claim(s) 1-8 and 14 is/are rejected to by the Examiner. 9c) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 All b) Some c) None of: 1 Certified copies of the priority documents have been received in Application No. 3 Certified copies of the priority documents have been received in Application from the International Bureau (PCT									
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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Houser et al. (US 5855552). Houser et al. disclose an electrosurgical electrode assembly for use in an electrosurgical handpiece comprising an elongated tubular first member (10) having a first end and a distal flexible extendable second end and a longitudinal axis, first and second electrically-conductive wires (12) positioned in electrically-insulating relationship in the first member with first means connected to the first member at its first end for applying to the first and second wires a bipolar electrosurgical voltage capable of transmitting electrosurgical currents along the wires, first and second spaced exposed electrodes mounted side-by-side on the tubular side of the first member at its second end and being connected respectively to the first and second wires wherein electrosurgical currents are generated sideways between the first and second electrodes when the electrosurgical voltage is applied to the first and second wires.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Eggers et al. (US 6312408). In figures 9 and 10 Eggers et al. disclose an electrode assembly for use in an electrosurgical handpiece comprising an elongated tubular first member having a

Art Unit: 3739

first end and a distal flexible extendable second end and a longitudinal axis, first and second electrically-conductive wires positioned in electrically-insulating relationship in the first member with first means connected to the first member at its first end for applying to the first and second wires a bipolar electrosurgical voltage capable of transmitting electrosurgical currents along the wires, first and second spaced exposed electrodes mounted side-by-side on the tubular side of the first member at its second end and being connected respectively to the first and second wires wherein electrosurgical currents are generated sideways between the first and second electrodes when the electrosurgical voltage is applied to the first and second wires, wherein the first and second electrodes are nail heads protruding from the tubular side of the first member.

Allowable Subject Matter

Claims 9-13 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP

Art Unit: 3739

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosiland S Rollins whose telephone number is (571) 272-4772. The examiner can normally be reached on Mon.-Fri. 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/716,714 Page 5

Art Unit: 3739

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Now Woods all Rosiland'S Rollins Primary Examiner Art Unit 3739